3:07-cv-01922-O-RD Document 1 Filed 11/16/07

Page 1 of 30 PageID 1

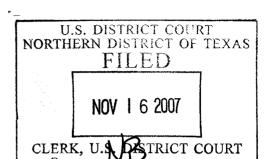
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Martin J. Sweeney, Esq. Tim D. Haggard, Esq. Cozen O'Connor 1717 Main Street Suite 2300 Dallas, Texas 75201

Telephone: 214-462-3000 Facsimile: 214-462-3299 msweeney@cozen.com thaggard@cozen.com

Attorneys for Defendants KEITH CAVEN and SNAPT, INC. f/n/a as WEB RENT PRO, INC., a Florida corporation



Deputy

# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

ELLIPSE COMMUNICATIONS, INC.,	3-07CV1922-N			
Plaintiff,	: Case No.			
<b>v.</b>	:			
KEITH CAVEN and SNAPT, INC. f/n/a as WEB RENT PRO, INC.,	: NOTICE OF REMOVAL			
a Florida corporation,	•			
Defendants.	•			

Defendants, Keith Caven and Snapt, Inc. f/n/a as Web Rent Pro, Inc., a Florida corporation ("Defendants"), removes this civil action from the 298<sup>th</sup> Judicial District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, pursuant to 15 U.S.C. §§ 1116, 1121, 1125; 28 U.S.C. §§ 1331, 1441 and 1446;

and Local Rule CV-81 of the Local Rules for the United States District Court for the Northern District of Texas.

## I. JURISDICTION

1. This Court has subject matter over this action pursuant to 15 U.S.C. §§ 1116 and 1121 and 28 U.S.C. § 1331 as Plaintiff has made allegations in its petition regarding the Lanham Act cited as 15 U.S.C. § 1116 and § 1125.

## II. GROUNDS FOR REMOVAL

- 2. The removal of this action is based upon federal question jurisdiction, apparent from Plaintiff's Petition and Application for Temporary Injunction ("Plaintiff's Petition") or asserted by counsel in good faith upon information and belief, but the allegations in Plaintiff's Petition are advanced here solely for the purposes of this removal and without admission of their truth or validity. A certified copy of the Plaintiff's Petition is attached hereto as Exhibit C1 and is incorporated by reference.
- 3. On or about October 25, 2007, a civil action was filed against Defendants in the 298th Judicial District Court of Dallas County, Texas styled Ellipse Communications, Inc. v. Keith Caven and Snapt, Inc. f/n/a as Web Rent Pro, Inc., a Florida corporation, Defendants, Cause No. 07-12665-M. Plaintiff's Petition was served upon Keith Caven, personally and as service agent for Snapt, Inc. f/n/a as Web Rent Pro, Inc., a Florida corporation, Defendants on October 29, 2007, a certified copy of the citations and the returns are attached hereto as Exhibits C4 and C5.
- 4. Plaintiff sued Defendants for Common Law Trademark Infringement, Unfair Competition, and Misappropriation, State Trademark Infringement, State Trademark Dilution, Federal Unfair Competition, False Representation and Designation of Origin and Application for Temporary Injunction. Plaintiff's Petition include allegations regarding the Lanham Act, 11 U.S.C. § 1116 and § 1125 at paragraphs 37-51. See Exhibit C1.

- 5. This Notice of Removal is timely filed within thirty (30) days after Defendant's receipt of Plaintiff's Original Petition.
  - 6. Plaintiff demanded a jury trial in the state court action.
- 7. Defendants attach to this Notice of Removal the following documents as exhibits and incorporate them herein by reference, pursuant to L.R. CV-81 and 28 U.S.C. §§ 1446(a), 1447(b), and 1449:

Exhibit "A" -- Index of All Documents:

Exhibit "B" -- Certified Copy of the Docket Sheets of the State Court Action:

Exhibit "C" -- Certified Copies of All Processed Pleadings and Orders in the State Court Action.

Defendants will promptly notify Plaintiff in writing of this removal and will promptly file a copy of this Notice of Removal with the Clerk of the 298th Judicial District Court of Dallas County, Texas.

Respectfully submitted,

Martin J. Sweene State Bar No. 19570550 \

Tim D. Haggard

State Bar No. 00792064

1717 Main Street **Suite 2300** Dallas, Texas 75201 (214) 462-3000 (214) 462-3299 (Telecopy)

ATTORNEYS FOR DEFENDANTS, KEITH CAVEN and SNAPT, INC. f/n/a as WEB RENT PRO, INC., a Florida corporation

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via Certified Mail, Return Receipt Requested on this 16<sup>th</sup> day of November 2007 to:

Barbara L. Emerson Bellinger & DeWolf, L.L.P. 10000 N. Central Expressway Suite 900 Dallas, Texas 75231 214/954-9540 214/954-9541 facsimile

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# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS **DALLAS DIVISION**

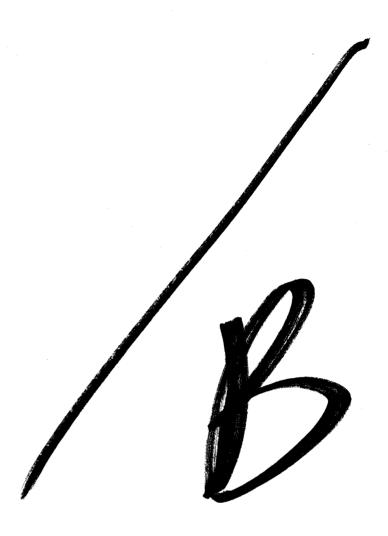
ELLIPSE COMMUNICATIONS, INC.,	§
Plaintiff,	§ 8
VS.	§ CIVIL ACTION NO
KEITH CAVEN and SNAPT, INC. f/n/a as WEB RENT PRO, INC., a Florida corporation,	§ § § §
Defendants.	§

# **EXHIBIT A**

## INDEX OF ALL DOCUMENTS

- Plaintiff's Petition and Application for Temporary Injunction, Filed October 25, 2007; 1.
- 2. Letter to Dallas County District Clerk Gary Fitzsimmons, From Barbara L. Emerson of Bellinger & DeWolf, L.L.P. Filed October 25, 2007:
- 3. Order Setting Hearing Date Signed by Judge Emily A. Tobowsky on October 25, 2007;
- 4. Notice to Show Cause Signed by Jo Ann Gardner, Deputy on October 25, 2007; and Affidavit of Service Filed on November 5, 2007 regarding Keith Caven;
- 5. Notice to Show Cause Signed by Jo Ann Gardner, Deputy on October 25, 2007; and Affidavit of Service Filed on November 5, 2007 regarding Snapt, Inc. f/k/a Web Rent Pro, Inc.;
- 6. Citation Signed by Jo Ann Gardner, Deputy on October 25, 2007; and Affidavit of Service Filed on November 5, 2007 regarding Keith Caven;
- 7. Citation Signed by Jo Ann Gardner, Deputy on October 25, 2007; and Affidavit of Service Filed on November 5, 2007 regarding Snapt, Inc. f/k/a Web Rent Pro, Inc.

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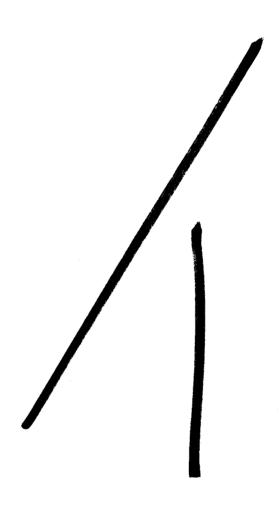
# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

ELLIPSE COMMUNICATIONS, INC.,	§	
Plaintiff,	§ §	
VS.	§ §	CIVIL ACTION NO
KEITH CAVEN and SNAPT, INC. f/n/a as WEB RENT PRO, INC., a Florida corporation,	§ § §	
Defendants.	§	

# **EXHIBIT B**

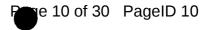
- 1. Certified Copy of District Clerk's Docket Sheet of the State Court Action.
- 2. Certified Copy of the Judge's Docket Sheet of the State Court Action.

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# Case 3:07-cv-01922-O GOO CUTA EMILY PROPRIETY LET / LE

# **CASE SUMMARY** CASE NO. DC-07-12665



**ELLIPSE COMMUNICATIONS INC** 

KEITH CAVEN, et al

9000000

Location: 298th District Court Judicial Officer: TOBOLOWSKY, EMILY

Filed on: 10/25/2007

CASE INFORMATION

Case Type: OTHER (CIVIL) Sub Type: INJUNCTION

PARTY INFORMATION

Lead Attorneys

**PLAINTIFF** 

**ELLIPSE COMMUNICATIONS INC** 

EMERSON, BARBARA L 214-954-9540

Retained

**DEFENDANT** 

CAVEN, KEITH

SNAPT INC FKA WEB RENT PRO INC

DATE	EVENTS & ORDERS OF THE COURT	Index
10/25/2007	ORIGINAL PETITION (OCA)	
10/25/2007	ISSUE NOTICE	
10/25/2007	ISSUE CITATION	
10/25/2007	CITATION  CAVEN, KEITH served 10/29/2007  SNAPT INC FKA WEB RENT PRO INC served 10/29/2007  2 - ATTY  NOTICE  CAVEN, KEITH served 10/29/2007  SNAPT INC FKA WEB RENT PRO INC served 10/29/2007  2 - ATTY	
10/25/2007	ORDER - MISC.  O/SETTING HEARING	Vol./Book 304M, Page108, 1 pages
12/12/2007	Temporary Injunction (8:30 AM) (Judicial Officer: TOBOLOWSKY, EMIL	Y)

DATE	FINANCIAL INFORMATION					
	PLAINTIFF E Total Charges Total Payments Balance Due as			249.00 249.00 <b>0.00</b>		
10/25/2007	Charge		PLAINTIFF ELLIPSE	217.00		
10/25/2007	Charge		COMMUNICATIONS INC PLAINTIFF ELLIPSE	32.00		
10/25/2007	PAYMENT	Receipt # 61355-2007-DCLK	COMMUNICATIONS INC PLAINTIFF ELLIPSE	(233.00)		
10/25/2007	(CASE FEES) PAYMENT	Receipt # 61357-2007-DCLK	COMMUNICATIONS INC PLAINTIFF ELLIPSE	(16.00)		

Case 3:07-cv-01922-O-P Cooctimes not Mon Filest 120/00% Page 11 of 30 Page ID 11

CASE SUMMARY CASE NO. DC-07-12665

COMMUNICATIONS INC

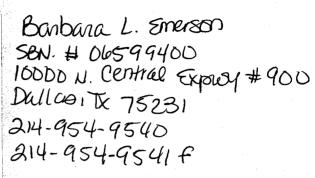
(CASE FEES)



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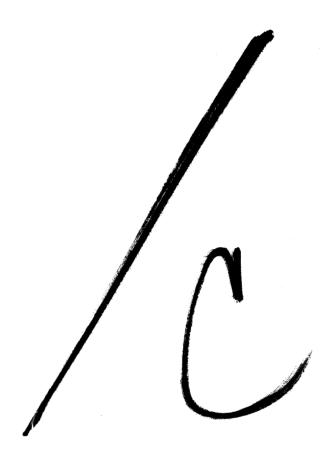
Action	Filling:	No
PARTIES		ATTORNEYS

# DC - 07 - 12665Filed:10/25/2007 OTHER (CIVIL) 298th District Court **ELLIPSE COMMUNICATIONS INC vs. KEITH CAVEN** Lead Attorney **ELLIPSE COMMUNIC EMERSON, BARBARA** Defendant CAVEN, KEITH Lead Attorney



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# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS **DALLAS DIVISION**

ELLIPSE COMMUNICATIONS, INC.,	§
Plaintiff,	§ §
vs.	§ CIVIL ACTION NO
KEITH CAVEN and SNAPT, INC. f/n/a as WEB RENT PRO, INC., a Florida	§ § §
corporation,  Defendants.	§ §

## **EXHIBIT C**

Certified Copies of all Processed Pleadings and Orders in state court action.

- 1. Plaintiff's Petition and Application for Temporary Injunction, Filed October 25, 2007;
- 2. Letter to Dallas County District Clerk Gary Fitzsimmons, From Barbara L. Emerson of Bellinger & DeWolf, L.L.P. Filed October 25, 2007;
- 3. Order Setting Hearing Date Signed by Judge Emily A. Tobowsky on October 25, 2007;
- 4. Citation Signed by Jo Ann Gardner, Deputy on October 25, 2007; and Affidavit of Service Filed on November 5, 2007 regarding Keith Caven;
- 5. Citation Signed by Jo Ann Gardner, Deputy on October 25, 2007; and Affidavit of Service Filed on November 5, 2007 regarding Snapt, Inc. f/k/a Web Rent Pro, Inc.
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# No. DC-07-12665

SUIT PENDING IN THE DISTRICT COURT OF DALLAS COUNTY, TEXAS

# **ELLIPSE COMMUNICATIONS INC**

VS.

# KEITH CAVEN, AND SNAPT, INC. F/K/A WEB RENT PRO, INC.

# HE STATE OF TEXAS

To: SNAPT, INC. F/K/A WEB RENT PRO, INC., BY SERVING ITS REGISTERED AGENT, KEITH M. CAVEN

YOU ARE HEREBY COMMANDED TO BE AND APPEAR BEFORE THE HONORABLE JUDGE OF THE **298TH DISTRICT COURT** OF TEXAS, at the Courthouse in Dallas, Texas, on

# DECEMBER 12TH, 2007 AT 8:30 A.M.

THEN AND THERE TO SHOW CAUSE, if any, WHY

THE TEMPORARY INJUNCTION PRAYED FOR IN PLAINTIFF'S PETITION SHOULD NOT BE GRANTED.

Given under my haird and seal of office, at Dallas, ON THIS THE 25TH DAY OF OCTOBER, 2007.

Attest: GARY FITTOM OF OCTOBER, 2007.

Case 3:07-cv-01922-O

O'ANN GA

Deputy.

Case 3:07-cv-01922-O-P Do GANGE NOtipe -07/12665

ELLIPSE COMMUNICATIONS, INC. 

Plaintiff(s),

VS. 

KEITH CAVEN and SNAPT, INC. f/n/a/ AS 
WEB RENT PRO, INC., a Florida 
Corporation

Defendant(s).

Do GANGE NOtipe -07/12665

IN THE DISTRICT COURT

S

298<sup>TH</sup> JUDICIAL DISTRICT

B

DALLAS COUNTY, TEXAS

# **AFFIDAVIT OF SERVICE**

Came to hand on Friday, October 26, 2007 at 4:54 PM, Executed at: 300 REUNION BOULEVARD, DALLAS, TEXAS 75207 within the county of DALLAS at 12:59 PM, on Monday, October 29, 2007, by delivering to the within named:

SNAPT, INC. F/K/A WEB RENT PRO, INC.

By delivering to its' Registered Agent, KEITH M. CAVEN Each, in person a true copy of this

NOTICE TO SHOW CAUSE and ORDER SETTING HEARING DATE

having first endorsed thereon the date of the delivery.

BEFORE ME, the undersigned authority, on this day personally appeared Adil Tadli who after being duly sworn on oath states: "My name is Adil Tadli. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I am familiar with the Texas Rules of Civil Procedure, and the Texas Practice and Remedies Codes as they apply to service of process. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

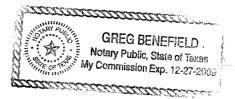
Adil Tadli

Of: Dallas County

By: Authorized Person - SC1206

Given under my hand and seal of office on this 5<sup>TH</sup> day of November, 2007.

Notary Public in and for The State of Texas







Form 375—NOTICE TO SHOW CAUSE

SUIT PENDING IN THE DISTRICT COURT OF DALLAS COUNTY, TEXAS

No. DC-07-12665

# ELLIPSE COMMUNICATIONS INC

VS.

# KEITH CAVEN, AND SNAPT, INC. F/K/A WEB RENT PRO, INC.

# HE STATE OF TEXAS

# To: KEITH CAVEN

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# DECEMBER 12TH, 2007 AT 8:30 A.M.

THEN AND THERE TO SHOW CAUSE, if any, WHY

THE TEMPORARY INJUNCTION PRAYED FOR IN PLAINTIFF'S PETITION SHOULD NOT BE GRANTED.

Herein Fail Not, but of this writ, and how you have executed the same, make due return

WITNESS: GARY FITZSIMMONS, Clerk of the District Court of Dallas County, Texas

Case 3:07-cv-01922-O

Given under my hand and seal of office, at Dallas, ON THIS THE 25TH DAY OF OCTOBER, 2007.

Attest: GARY FITZSIMMONS

Clerk, District Courts, Dallas County, Texas

JO ANN GARDNER

\_, Deputy.

# CAUSE NO. <u>DC-07-12665</u>

Plaintiff(s),

VS.

KEITH CAVEN and SNAPT, INC. f/n/a/ AS
WEB RENT PRO, INC., a Florida
Corporation

Defendant(s).

IN THE DISTRICT COURT

298<sup>TH</sup> JUDICIAL DISTRICT

**DALLAS COUNTY, TEXAS** 

# **AFFIDAVIT OF SERVICE**

Came to hand on Friday, October 26, 2007 at 4:54 PM, Executed at: 300 REUNION BOULEVARD, DALLAS, TEXAS 75207 within the county of DALLAS at 12:59 PM, on Monday, October 29, 2007, by delivering to the within named:

## KEITH CAVEN

Each, in person a true copy of this

NOTICE TO SHOW CAUSE and ORDER SETTING HEARING DATE

having first endorsed thereon the date of the delivery.

BEFORE ME, the undersigned authority, on this day personally appeared Adil Tadii who after being duly sworn on oath states: "My name is Adil Tadii. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I am familiar with the Texas Rules of Civil Procedure, and the Texas Practice and Remedies Codes as they apply to service of process. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

Adil Tadli

Dallas County

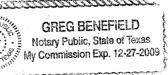
By:

Of:

Authorized Person - SC1206

Given under my hand and seal of office on this 5<sup>TH</sup> day of November, 2007.

Notary Public in and for The State of Texas





# PageID 24 FORM NO. 353-3 - CITATION 3251 PROGRESS DRIVE SUITE A BY SERVING ITS REGISTERED AGENT, KEITH M. CAVEN SNAPT, INC. F/K/A WEB RENT PRO, INC. THE STATE OF TEXAS

GREETINGS

ORLANDO, FL 32826

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer of twenty days after you were served this citation and PLAINTIFF'S PETITION AND with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration

against you. Your answer should be addressed to the clerk of the 298th District Court at 600 APPLICATION FOR TEMPORARY INJUNCTION petition, a default judgment may be taken Commerce Street, Dallas, Texas 75202.

Said Plaintiff being ELLIPSE COMMUNICATIONS, INC

Filed in said Court on this the 25th day of October, 2007 against

# KEITH CAVEN, ETAL

Suit On OTHER (CIVIL) etc. as shown on said petition, a copy of which accompanies this citation. this citation is not served, it shall be returned unexecuted For suit, said suit being numbered DC-07-12665, the nature of which demand is as follows:

Given under my name and the Seal of said Court at office on this 25th day of October, 2007 WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.

Clerk of the District Courts of Dallas, County, I

ANGARDNER

The 10 Days

ATTY

# CITATION

No.: <u>DC-07-12665</u>

# ELLIPSE COMMUNICATIONS INC KEITH CAVEN, ETAL

ISSUED

on this the 25th day of October, 2007

**GARY FITZSIMMONS** Dallas County, Texas Clerk District Courts,

By JO ANN GARDNER, Deputy

Attorney for Plaintiff

Ħ

214/954-9540 BELLINGER & DEWOLF L L P BARBARA L EMERSON DALLAS, TX 75231 10000 N CENTRAL EXPWY STE 900

ELLIPSE COMMUNICATIONS, INC. Plaintiff(s), VS. KEITH CAVEN and SNAPT, INC. f/n/a/ AS WEB RENT PRO, INC., a Florida Corporation § Defendant(s).

IN THE DISTRICT COURT

298TH JUDICIAL DISTRICT

**DALLAS COUNTY, TEXAS** 

# **AFFIDAVIT OF SERVICE**

Came to hand on Friday, October 26, 2007 at 4:54 PM, Executed at: 300 REUNION BOULEVARD, DALLAS, TEXAS 75207 within the county of DALLAS at 12:59 PM, on Monday, October 29, 2007, by delivering to the within named:

SNAPT, INC. F/K/A WEB RENT PRO. INC.

By delivering to its' Registered Agent, KEITH M. CAVEN Each, in person a true copy of this



# CITATION and PLAINTIFF'S PETITION AND APPLICATION FOR TEMPORARY **INJUNCTION WITH EXHIBITS**

having first endorsed thereon the date of the delivery.

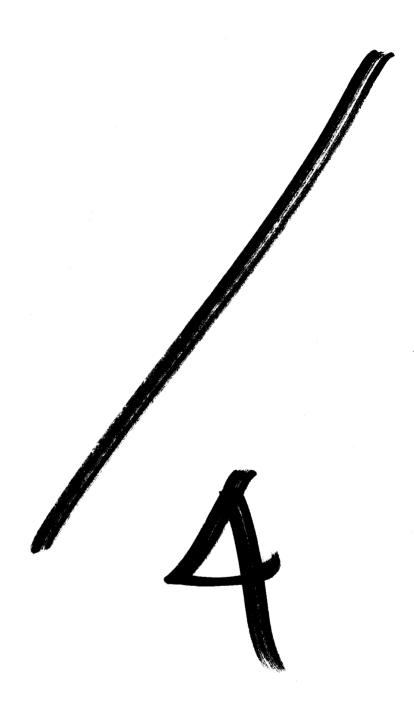
BEFORE ME, the undersigned authority, on this day personally appeared Adil Tadli who after being duly sworn on oath states: "My name is Adil Tadli. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I am familiar with the Texas Rules of Civil Procedure, and the Texas Practice and Remedies Codes as they apply to service of process. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

> Adil Tadli Of: **Dallas County** By: Authorized Person - SC1206

Given under my hand and seal of office on this 5TH day of November. 2

in and for The State of Texas

**GREG BENEFIELD** Notary Public, State of Texas Commission Exp. 12-27-2009



FORM NO. 353-3 - CITATION

THE STATE OF TEXAS

against you. Commerce Street, Dallas, Texas 75202 Your answer should be addressed to the clerk of the 298th District Court at 600

APPLICATION FOR TEMPORARY INJUNCTION petition, a default judgment may be taken

f twenty days after you were served this citation and PLAINTIFF'S PETITION AND

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer

Said Plaintiff being ELLIPSE COMMUNICATIONS, INC

Filed in said Court on this the 25th day of October, 2007 against

# KEITH CAVEN, ETAL

this citation is not served, it shall be returned unexecuted Suit On OTHER (CIVIL) etc. as shown on said petition, a copy of which accompanies this citation. For suit, said suit being numbered DC-07-12665, the nature of which demand is as follows:

Given under my name and the Seal of said Court at office on this 25th day of October, 2007 WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas. Annual Indiana

ATTEST: GARY FITZSIMMONS

Clerk of the District Courts of Dallas, Co

ATTY

# CITATION

No.: DC-07-12665

# ELLIPSE COMMUNICATIONS INC KEITH CAVEN, ETAL

ISSUED

on this the 25th day of October, 2007

**GARY FITZSIMMONS** Dallas County, Texas Clerk District Courts,

By JO ANN GARDNER, Deputy

Ħ

Attorney for Plaintiff

214/954-9540 BARBARA L EMERSON BELLINGER & DEWOLF L L P DALLAS, TX 75231 10000 N CENTRAL EXPWY STE 900

DAILAS COUPY CONTRACTOR SEE SEE

# CAUSE NO. <u>DC-07-12665</u>

Defendant(s).

IN THE DISTRICT COURT

298TH JUDICIAL DISTRICT

**DALLAS COUNTY, TEXAS** 

# **AFFIDAVIT OF SERVICE**

Came to hand on Friday, October 26, 2007 at 4:54 PM, Executed at: 300 REUNION BOULEVARD, DALLAS, TEXAS 75207 within the county of DALLAS at 12:59 PM, on Monday, October 29, 2007, by delivering to the within named:

## KEITH CAVEN

Each, in person a true copy of this

CITATION and PLAINTIFF'S PETITION AND APPLICATION FOR TEMPORARY INJUNCTION WITH EXHIBITS

having first endorsed thereon the date of the delivery.

BEFORE ME, the undersigned authority, on this day personally appeared Adil Tadli who after being duly sworn on oath states: "My name is Adil Tadli. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I am familiar with the Texas Rules of Civil Procedure, and the Texas Practice and Remedies Codes as they apply to service of process. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

Adil Tadli

Of:

**Dallas County** 

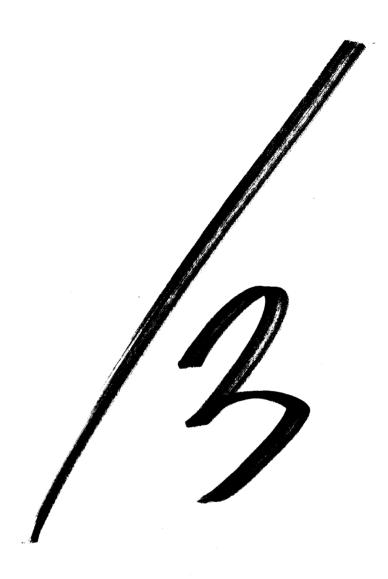
By:

Authorized Person - SC1206

Given under my hand and seal of office on this 5<sup>TH</sup> day of November, 2007.

Notary Public in and for The State of Texas

GREG BENEFIELD
Notary Public, State of Texas
My Commission Exp. 12-27-2009



Case 3:07-cv-01922-O-BD Document 1 Filed 11/16/07 Page 30 of 30 PageID 3008

CAUSE NO. <u>87-12665</u>M

ELLIPSE COMMUNICATIONS, INC.,

Plaintiff.

v.

KEITH CAVEN and SNAPT, INC. f/n/a as WEB RENT PRO, INC., a Florida corporation,

Defendants.

IN THE DISTRICT COURT

304m

DALLAS COUNTY, TEXAS

M-298th

JUDICIAL DISTRICT

# ORDER SETTING HEARING DATE

ON THIS DAY, Ellipse Communications, Inc., Plaintiff, presented an application for temporary injunction in due form and manner.

IT IS FURTHER ORDERED that the clerk of this Court issue notice for service on the Defendants KEITH CAVEN and SNAPT, Inc., f/n/a WEB RENT PRO, INC., a Florida corporation notifying them of the time and place of the hearing, and commanding them to appear and show cause why the temporary injunction prayed for in Plaintiff's Petition should not be granted.

SIGNED on October 25 2007

JUDGE PRESIDING